

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

DAVID DUVALL,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 3:19-cv-00624-DSC
)	
NOVANT HEALTH, INC.,)	
)	
Defendant.)	
)	

PLAINTIFF'S MOTION TO ALTER OR AMEND THE JUDGMENT

Plaintiff, though counsel and pursuant to Rule 59 (e) of Federal Rules of Civil Procedure, moves the Court to alter or amend the Judgment entered in this matter on August 12, 2022 [ECF 165]. The Judgment incorporated by reference this Court's Order of August 11, 2022 [ECF 164]that resolved the numerous post-trial motions and awarded Plaintiff back and front pay. Plaintiff asks the Court to correct three errors related to the Court's back and front pay calculations.

1. To recalculate the backpay award through the August 12, 2022 date of the Judgment as required by the case law correctly cited in the Court's Order.
2. To recalculate the pre-judgment interest through the date of the Judgment and to specify the amount of the pre-judgment interest awarded for the parties to see.
3. To address Plaintiff's request for a tax adjustment to neutralize the negative tax impact of receiving the backpay and front pay in a single lump sum as opposed to receiving it over time.

Plaintiff files a memorandum of law and exhibits in support of this motion. His counsel has conferred with Defendant's counsel regarding Plaintiff's intent to file this motion. Counsel for Defendant has indicated that Defendant does not consent to the motion.

Wherefore, Plaintiff moves the Court to alter or amend the Judgment in the manner described and for the reasons explained in the attached memorandum.

Respectfully submitted, this 23rd day of August, 2022.

/s/ S. Luke Largess
NC Bar No. 17486
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CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically filed the foregoing **MOTION** with the Clerk of Court using the CM/ECF system, which will send notification of the filing to all counsel of record:

Dated this the 23rd day of August, 2022.

/s/S. Luke Largess
S. Luke Largess
N.C. Bar No. 17486
Attorney for Plaintiff